

**Assembly Bill No. 2078**

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Passed the Assembly    August 30, 2000

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*Chief Clerk of the Assembly*

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Passed the Senate    August 29, 2000

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to add Chapter 9.5 (commencing with Section 54964) to Part 1 of Division 2 of the Government Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2078, Granlund. Elections: unlawful expenditures.

Under existing law, public funds may not be expended to support or oppose a ballot measure or candidate.

This bill would specifically provide that an officer, employee, or consultant of a local agency, as defined, may not expend or authorize the expenditure of any of the funds of the local agency to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters. Membership dues paid by a local agency to a professional association are not included as a prohibited expenditure.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 9.5 (commencing with Section 54964) is added to Part 1 of Division 2 of the Government Code, to read:

## CHAPTER 9.5. UNLAWFUL EXPENDITURES

54964. (a) An officer, employee, or consultant of a local agency may not expend or authorize the expenditure of any of the funds of the local agency to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters.

(b) As used in this section the following terms have the following meanings:

(1) "Ballot measure" means an initiative, referendum, or recall measure certified to appear on a regular or special election ballot of the local agency, or other



measure submitted to the voters by the governing body at a regular or special election of the local agency.

(2) “Candidate” means an individual who has qualified to have his or her name listed on the ballot, or who has qualified to have write-in votes on his or her behalf counted by elections officials, for nomination or election to an elective office at any regular or special primary or general election of the local agency, and includes any officeholder who is the subject of a recall election.

(3) “Expenditure” means a payment of local agency funds that is used for communications that expressly advocate the approval or rejection of a clearly identified ballot measure, or the election or defeat of a clearly identified candidate, by the voters. “Expenditure” shall not include membership dues paid by the local agency to a professional association.

(4) “Local agency” has the same meaning as defined in Section 54951, but does not include a county superintendent of schools, an elementary, high, or unified school district, or a community college district.

(c) This section does not prohibit the expenditure of local agency funds to provide information to the public about the possible effects of a ballot measure on the activities, operations, or policies of the local agency, if both of the following conditions are met:

(1) The informational activities are not otherwise prohibited by the Constitution or laws of this state.

(2) The information provided constitutes an accurate, fair, and impartial presentation of relevant facts to aid the voters in reaching an informed judgment regarding the ballot measure.

(d) This section does not apply to the political activities of school officers and employees of a county superintendent of schools, an elementary, high, or unified school district, or a community college district that are regulated by Article 2 (commencing with Section 7050) of Chapter 1 of Part 5 of the Education Code.



Approved \_\_\_\_\_, 2000

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*Governor*

